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OFFICE OF PETITIONS

In re Application of
Marc Lemchen
Application No. 09/746,947
Filed: December 21, 2000
Attorney Docket No. P946

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ON PETITION

This is a decision on the petition under 37 CFR §1.181(a) to withdraw the holding of abandonment, filed October 21, 2005.

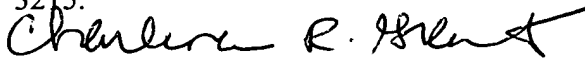
The petition to withdraw the holding of abandonment is **GRANTED**.

This application became abandoned for failure to timely submit a response to the non-final Office Action mailed October 7, 2004. The Notice set an extendable 3 month period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application was held abandoned on January 8, 2005. A Notice of Abandonment was mailed on October 6, 2005.

Petitioner asserts that the non-final Office Action mailed on October 7, 2004 was never received. A review of the record indicates the non-final Office Action was mailed to an incorrect correspondence address. Further review shows a power of attorney or authorization of agent which included a request for change of correspondence was submitted on April 17, 2002. Thus the Office Action was improperly mailed.

This application is being forwarded to Art Unit 2143 for re-mailing of the non-final Office Action.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.


Charlema R. Grant
Petitions Attorney
Office of Petitions